

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15794 of Jay Arkin, pursuant to 11 DCMR 3107.2 for a variance from the 900 square feet of lot area per apartment requirement (Subsection 401.3) to convert a flat to a three-unit apartment house in an R-4 District at premises 1735 Kilbourne Place, N.E. (Square 2602, Lot 100).

HEARING DATE: March 10, 1993  
DECISION DATE: April 7, 1993

DISMISSAL ORDER

In the subject application, the applicant requested a variance to allow the conversion of a flat to a three-unit apartment house. At the public hearing of March 10, 1993, the applicant testified that the basement was already developed as an apartment and that the structure had previously been an apartment house. The applicant also testified that many other houses in the area were being used as three-unit apartment houses, and if he is not permitted to make the conversion, he would be denied reasonable use of his property.

At the end of the public hearing, the Board left the record open to afford the applicant an opportunity to submit evidence that there is a significant number of properties in the area legally used as three-unit apartments. The submission was due on March 31, 1993.

On March 29, 1993, the applicant submitted a copy of a certificate of occupancy for the subject property, dated March 29, 1993. The certificate of occupancy granted permission to use the basement through third floor of the property as an "Apartment Building - 3 units".

In light of the submission of an occupancy permit allowing the use for which variance relief was sought, the Board concludes that the variance is no longer necessary.


Upon consideration of the above facts, it is hereby ORDERED that the application is DISMISSED.

VOTE: 3-0 (Maybelle Taylor Bennett, Paula L. Jewell and Angel F. Clarens to dismiss; Carrie L. Thornhill and Sheri M. Pruitt not voting, not having heard the case).

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BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
MADELIENE H. ROBINSON  
Director

FINAL DATE OF ORDER:

APR 30 1993

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

15794Order/bhs

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BZA APPLICATION NO. 15794

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on APR 30 1993 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Jay Arkin  
3906 Forest Drove Drive  
Annandale, Virginia 22003

Patricia Sosa, Chairperson  
Advisory Neighborhood Commission 1E  
3220 17th Street, N.W.  
Washington, D.C. 20010

  
MADELIENE H. ROBINSON  
Director

DATE: APR 30 1993

15794Att/bhs